

CITY COUNCIL AGENDA
COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, August 24, 2009
5:45 P.M.

Invocation by President Terry Turk, Mesa East Stake of The Church of Jesus Christ of Latter-day Saints.

Pledge of Allegiance by Talon Parke.

Mayor's Welcome.

Awards, Recognitions and Announcements.

CITIZEN PARTICIPATION

All citizens are permitted and encouraged to speak on agenda items. If you are interested in speaking on an agenda item, please fill out a blue card in the back of the room and give it to the City Clerk. When the Council considers the item, you will be called to the podium to provide your comments.

CONSENT AGENDA

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the Consent Agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

(Members of the Mesa City Council will attend either in person or by telephone conference call).

MESA CITY COUNCIL
August 24, 2009
Page 2

1. Take action on all consent agenda items.
- *2. Approval of minutes of previous meetings as written.
3. Conduct a public hearing prior to the release of the petition for signatures for the following proposed annexation:
 - 3a. **A08-40 (District 5)** Annexing land located at the northeast corner of Hawes Road and Hermosa Vista Drive (2.02 +/- ac). Initiated by the property owner, Stephen Loper.
4. Take action on the following liquor license applications:
 - *4a. Max Mart

New Beer and Wine Store License for Max Mart, 735 E. McKellips Rd, Max Mart LLC – Emad Mustafa Abushanab, Agent. The previous Restaurant License held at this location by Nathaniel Pethyon LLC was surrendered to the State on June 10, 2009. **(District 1)**
 - *4b. Ricco Mini Mart

New Beer and Wine Store License for Ricco Mini Mart, 1224 N. Gilbert Rd, Emys Phone Card LLC – Eman Pauls Hallak, Agent. The previous Restaurant License held at this location by WJ Foods LLC became inactive with the State on April 20, 2009. **(District 1)**
 - *4c. Caffe Boa Bistro

New Restaurant License for Caffe Boa Bistro, 2837 N. Power Rd., Suite 102, Caffe Boa Bistro LLC – Casey Marie Garden, Agent. The previous Restaurant License held at this location by Pacific Bay Company LLC was terminated with the State on March 31, 2009. **(District 5)**

MESA CITY COUNCIL
August 24, 2009
Page 3

*4d. Pisa Pizza

New Restaurant License for Pisa Pizza, 2015 N. Power Rd., Suite 106, Pisa Pizza Restaurante Inc. – Atli Gorenca, Agent. The previous Restaurant License held at this location by Monte Cellos AZ01 LLC was terminated with the State on March 31, 2009. **(District 5)**

*4e. Zushi

New Restaurant License for Zushi, 6727 E. McDowell Rd., Restaurant Zushi Company – Cookie K. Sohn, Agent. The previous Restaurant License held at this location by Zushi LLC will revert back to the State. **(District 5)**

5. Take action on the following contracts:

*5a. Renewal of the Term Supply Contract for Automotive Lubricant and Oil Products for the Fire and Fleet Services Departments **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Brown Evans Distributing Company, a Mesa business, at \$251,000.00, based on estimated annual purchases.

*5b. Renewal of the Term Supply Contract for Children's Mass Market Paperback Books for the Library **(Citywide)**

The Purchasing Division recommends authorizing renewal of the contract with Book Wholesalers Inc. dba BWI at \$15,000.00, based on estimated annual purchases.

*5c. Renewal of the Term Supply Contract for Large Print Library Books for the Library **(Citywide)**

The Purchasing Division recommends authorizing renewal of the contract with Thomson Gale Group, Inc. at \$29,000.00, based on estimated annual purchases.

MESA CITY COUNCIL
August 24, 2009
Page 4

- *5d. Renewal of the Term Supply Contract for Library Books, Music CDs, Videos/DVDs and Spoken Word Materials for the Library **(Citywide)**

The Purchasing Division recommends authorizing renewal of the contract with Baker & Taylor, Inc. at \$600,000.00 and Ingram Library Services at \$20,000.00 for the total renewal contract of \$620,000.00, based on estimated annual purchases.

- *5e. Renewal of the Term Supply Contract for Landscape Sprinkler Parts & Supplies for the Materials and Supply Warehouse **(Citywide)**

The Purchasing Division recommends authorizing renewal of the contract with Sprinkler World of AZ, Inc., a Mesa business, at \$140,000.00, based on estimated annual purchases.

- *5f. Term Supply Contract for Printed Utility Bill Coupons for the Mail & Print Services Division **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Century Graphics, Inc. at \$33,276.30, including applicable sales tax.

- *5g. Purchase of Five (5) Ultra Mobile Tactical Computer Systems for the Police Department, SWAT Team (Fully Funded Homeland Security Program, Urban Area Security Initiative Grant) **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Technology Advancement Group, Inc. (TAG) at \$33,263.55, including applicable use tax.

MESA CITY COUNCIL
August 24, 2009
Page 5

*5h. Term Contract for Police Vehicle Maintenance and Repair Services for the Police Department **(Citywide)**

The Purchasing Division recommends awarding the contract to the highest scored proposals: Five Star Ford (as the primary vendor) at \$425,735.00 and Berge Ford, a Mesa business, (as the secondary vendor) at \$141,911.00, based on estimated annual requirements and purchases, for the combined total award is \$567,646.00.

*5i. Renewal of the Term Contract for Traffic Paint for the Transportation Department, Field Operations **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State ADOT contract with Pervo Paint Company at \$116,992.16, for the remaining contract period through June 8, 2010, based on estimated purchases.

*5j. Term Supply Contract for Streetlight and Traffic Signal Poles, Mast Arms and Anchor Bolts for the Materials & Supply Warehouse **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible vendors, Cem-Tec Corporation at \$205,131.03, Ameron International at \$30,421.25 and Union Metal Corp. at \$190,679.81, for a total of \$426,232.09.

*5k. Castillo Nuevo Gas Line Replacement – 3300 East Broadway Road **(District 2)**

City Project No. 01-531-003. This project will replace 2,200 linear feet of 2-inch polyethylene ("PE") gas pipe, 1,000 linear feet of 2-inch steel gas pipe, 2,850 linear feet of 1-inch PE gas pipe, 1,550 linear feet of ½-inch PE gas pipe and relocation of 83 gas meter set assemblies in the Castillo Nuevo Mobile Home Community.

MESA CITY COUNCIL
August 24, 2009
Page 6

Recommend award to the low bidder, Arizona Pipeline Company, in the amount of \$210,425.90 plus an additional \$21,042.59 (10% allowance for change orders) for a total award of \$231,468.49. This project is funded from the approved FY 09/10 Gas Bond Capital Program. HCA Management, owner of Castillo Nuevo Mobile Home Community, will provide a non-refundable Contribution In Aid to Construction of \$125,000 towards the installation costs.

*5l. Gas SCADA System for Nine Gas Regulator Stations
(Districts 1, 3 and 6)

City Project No. 01-886-001. This project will install a solar powered (green) controller, pole mounted with an antenna near the existing regulator station to radio back status information to the control center.

Recommend award to the low bidder, Dutch Masters Electric Inc., in the amount of \$150,019.04 plus an additional \$15,001.90 (10% allowance for change orders) for a total award of \$165,020.94. This project is funded from the approved FY 09/10 Gas Bond Program.

*5m. Intelligent Transportation System (ITS) Traffic Signal
Conversions - Country Club Drive (McKellips Road to
Baseline Road) (Districts 1, 3 and 4)

City Project No. 03-055-001. This project includes approximately 5½ miles of new underground conduit and fiber-optic cable along Country Club Drive from McKellips Road to Southern Avenue, and connection to an existing underground cable from Southern Avenue to Baseline Road. Also included are additional branch connections along the Broadway Access Road, University Drive, 8th Street, and Brown Road. This project will convert the 12 traffic signals still on the Sonex traffic management system to the modern system, and enhance communications to 10 other traffic signals. New closed-circuit television (CCTV) traffic monitoring cameras and video based traffic detection systems will also be installed at major intersections.

MESA CITY COUNCIL
August 24, 2009
Page 7

Recommend award to the low bidder, Kleven Construction, in the amount of \$1,056,031.00 plus an additional \$105,603.10 (10% allowance for change orders) for a total award of \$1,161,634.10. Funding is available in the adopted FY 09/10 Streets Bond Capital Program.

*5n.

Guadalupe Road Gas Main Replacement, Country Club Drive to Alma School Road **(District 3)**

City Project No. 06-005-001. This project includes replacing approximately 2,400 linear feet of 6-inch steel gas pipe with 2,400 linear feet of 4-inch polyethylene (PE) gas pipe along Guadalupe Road from Alma School Road to Extension. Additionally, approximately 2,600 feet of existing 6-inch steel gas pipe will be abandoned from Extension to Country Club Drive on Guadalupe Road. The 6-inch steel gas line on Guadalupe Road from Country Club Drive to Alma School Road requires replacement due to its aging and deteriorating condition. The section from Extension to Country Club Drive is no longer needed because most of the area has already been developed and is unlikely to use natural gas in the future and will be abandoned.

Recommend award to the low bidder, Mastec North America Inc., in the amount of \$98,182.89 plus an additional \$9,818.29 (10% allowance for change orders) for a total award of \$108,001.18. This project is funded from the approved FY 09/10 Gas Bond Program.

5o.

Mesa Art Center - Glass Studio Expansion, 1 East Main Street **(District 4)**

City Project No. 07-056-001. This project will expand the existing glass studio patio area at the Mesa Arts Center and install canopies to provide protection from sun and weather. The expanded area will increase the work area, provide additional space for more students, increase safety, and provide additional storage. Currently about half of the available equipment is utilized in the courtyard and the number of students is limited. The expansion will increase the earning capacity by increasing the number of students per session, as well as extend the period of usability by the addition of a canopy. The expansion will demolish the

MESA CITY COUNCIL
August 24, 2009
Page 8

existing masonry wall on the north side of the patio area (re-use of the existing iron work) and install a new masonry wall approximately 14-foot north of the existing wall.

Recommend award to the low bidder, Renovation Solutions Group Inc., in the amount of \$89,039.00 plus an additional \$8,903.90 (10% allowance for change orders) for a total award of \$97,942.90. Funding is available in the adopted FY 09/10 Arts and Cultural Capital Program using Cultural Impact Fees restricted for the expansion of facilities.

6. Take action on the following resolutions:

- *6a. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission (Crime Victim Assistance) to secure grant funds in the amount of \$30,600 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program.
- *6b. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Department of Public Safety Victims of Crime Act (VOCA) to secure grant funds in the amount of \$44,743 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program assisting domestic violence victims of crime.
- *6c. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety Victims of Crime Act (VOCA) to secure grant funds in the amount of \$44,743 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program assisting restitution-eligible victims of crime.
- *6d. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission to accept grant funds in the amount of \$121,000 for two replacement vehicles and equipment for the Police Department's Forensic Services.

MESA CITY COUNCIL
August 24, 2009
Page 9

*6e. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Department of Public Safety to accept grant funds in the amount of \$178,898 for two Victim Services Specialists and one Domestic Violence Intervention Specialist in the Police Department Victim Services Unit.

*6f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Public Safety and the City of Mesa for 75% reimbursement of officer's salary assigned to the Arizona Vehicle Theft Task Force.

*6g. Extinguishing Temporary Drainage Easements at 1926 and 1954 South Crismon Road. **(District 6)**

These easements are no longer needed as the design of the property has changed and new drainage easements have been dedicated.

*6h. Extinguishing Easements for Highway Purposes at 7618 East University Drive. **(District 5)**

These easements are no longer necessary as the City's traffic plan does not need a portion of this area to be public right-of-way and the other area is already right-of-way.

*6i. Authorizing the dedication of street right-of-way on City-owned property at 1528 South Greenfield Road (Holmes Park). **(District 6)**

This right-of-way is needed for the Greenfield Road widening project and to accommodate the on-ramp to the freeway.

*6j. Authorizing granting a Power Distribution Easement to Salt River Project on City-owned property at Elliot Road and Crismon Road. **(District 6)**

This easement is necessary to provide electrical facilities to the City's Desert Well Site No. 17.

MESA CITY COUNCIL
August 24, 2009
Page 10

*6k. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Town of Queen Creek and the City of Mesa for the Southeast Mesa and Queen Creek Area Traffic Study. The purpose of this Agreement is to identify and define the responsibilities of the Town and City for the Study. Mesa's estimated share of the study cost is \$49,461.50. Funding is available in the adopted FY 09/10 Streets Capital Program using Street Sales Tax. **(District 6)**

7. Introduction of the following ordinance and setting August 31, 2009, as the date of the public hearing on this ordinance:

*7a. **A08-18 (District 6)** Annexing land located just south of Broadway Road and west of Signal Butte Road (4.9±acres). Initiated by the applicant Pat Gilbert for the Marc Center.

*7b. **Z09-08 (District 6)** 10617 East Oasis Street. Located west of Signal Butte Road and south of Broadway (4.9± acres). Rezone from R1-9 to R-3 with a Site Plan Review; also consider the preliminary plat. This case will allow the development of a Supportive Housing Project. MARC Center owner; Saemisch DiBella Architects, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods)***

P&Z Recommendation: Approval with conditions. (Vote: 4 – 0 -1) Boardmember DiBella abstained. Boardmember Perkinson absent.

*7c. **Z09-15 (District 6)** 8257 East Guadalupe Road Suites 9 – 13. Located west of Hawes Road on the south side of Guadalupe Road. Council Use Permit. This request will allow a charter school in a C-2 district. Pamela Johns, Guadalupe Hawes Dev. Investors, LLC, owner; Jill Gaitens, Vistas Leadership Academy, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0) Boardmember Roberts absent.

MESA CITY COUNCIL
August 24, 2009
Page 11

- *7d. Amending Title 8, Chapter 6 of the Mesa City Code to establish and implement an individual residential rental inspection program.
8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.
- *8a. Repealing Title 6, Chapters 12 and 19 of the Mesa City Code in its entirety and adopting a new Title 6, Chapter 12 relating to offensive, excessive and prohibited noises.
9. Items from citizens present. (Maximum of three speakers for three minutes per speaker).